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E. MAIL: badler1@houston.rr.comINTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

FACSIMILE TRANSMITTAL SHEET

OFFICIAL

TO:

Examiner: Virginia Allen Portner

FROM:

Benjamin Aaron Adler, Ph.D., J.D

COMPANY:

US PTO, Art unit 1645

DATE:

12/31/02

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PHONE NUMBER:

(703) 308-7543

SENDER'S REFERENCE NUMBER:

D5979

RE:

Response After Final

YOUR REFERENCE NUMBER:

09/355,793

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Comments:

Please deliver the attached to Examiner Portner.

A Final Office Action mailed July 18, 2002 for 09/355,793 (D5979; Blaser, et al.)
Petition for Extension of Time and a Certificate of Mailing under 37 CFR 1.8 are
attached herein.If you have any questions after reviewing these papers, please call me at
PHONE: 713/270-5391, FAX: 713/270-5361. Thank you.

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this facsimile is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader is not the intended recipient or an employee or agent responsible for delivery, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please immediately notify Dr. Benjamin Adler at (713) 270-5391 and promptly return the facsimile. Thank you.

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.

To: (Name and Address of Depositor or Attorney)

NYU School of Medicine
Attn: Martin J. Blaser, M.D.
550 First Avenue, OBV-A606
New York, NY 10016

Deposited on Behalf of: Vanderbilt University, Nashville, TN

Identification Reference by Depositor:

Escherichia coli DH5-alpha with pLR100
Escherichia coli HB101 with pK0500
Escherichia coli DH5-alpha with pK050

Patent Deposit Designation

PTA-4750
PTA-4751
PTA-4752

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above. The deposits were received October 18, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested November 13, 2002. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: December 19, 2002

cc: Benjamin A. Adler, Ph.D., J.D.
(Ref: Docket or Case No.: 09/355,793)

ATCC

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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
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Attn: Martin J. Blaser, M.D.
550 First Avenue, OBV-A606
New York, NY 10016

Deposited on Behalf of: Vanderbilt University, Nashville, TN

Identification Reference by Depositor:

Campylobacter fetus recA mutant: 97-211
Campylobacter fetus: 23D

Patent Deposit Designation

PTA-4753
PTA-4754

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received October 18, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

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The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested November 1, 2002. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: December 19, 2002

cc: Benjamin A. Adler, Ph.D., J.D.
(Ref: Docket or Case No.: 09/355,793)